

S/N 09/978,532

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ray R. Bellantoni et al.

Examiner: Clement B. Graham

Serial No.: 09/978,532

Group Art Unit: 3628

Filed: October 15, 2001

Docket No.: 884.490US1

Title: EXCHANGE OF INFORMATION

Assignee: Intel Corporation

Customer Number: 21186

PRE-APPEAL BRIEF REQUEST FOR REVIEW

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Final Office Action mailed August 28, 2007, Applicants request review of the final rejection in the above-identified application.

No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reasons stated below.

There is clear error in the rejections. The primary reference (Eisenhart, U.S. 2001/0047276) used to reject the claims under 35 U.S.C. 102(e) fails to describe “displaying an interface screen to allow an applicant from a first company to enter a non-disclosure agreement number corresponding to a non-disclosure agreement”, as recited in independent claim 1. Nor does Eisenhart disclose “the authorization data comprises data regarding employees associated with the participants”, as recited in independent claim 9; “displaying an interface screen that allows a user to enter a non-disclosure agreement number”, as recited in independent claim 15; or “determine whether the non-disclosure agreement number matches a non-disclosure agreement number in authorization data as part of a request for access from an applicant”, as recited in independent claim 23. Thus, a *prima facie* case of anticipation has not been established, and the rejections under §102(e) should be reversed.

Rejection Under 35 U.S.C. §102(e)

Claims 1-10 and 13-23 stand rejected under 35 U.S.C. §102(e) as being anticipated by Eisenhart (U.S. 2001/0047276). Applicants do not admit that Eisenhart is prior art and reserve the right to swear behind Eisenhart as provided for under 37 C.F.R. §1.131.

The rule under 35 U.S.C. §102 is well settled that “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). MPEP §2131.

Eisenhart fails to disclose all of the elements recited in independent claims 1, 9, 15, and 23.

Eisenhart describes a system that “facilitates collaboration between a technology Supplier and a Buyer of a technology asset or a Contributor to a technology project by comparing the member profiles to identify a member whose search requirements match another member's search requirements.” (See Abstract).

For example, regarding claim 1, the passage in Eisenhart (Abstract; col. 2-9, paragraphs 0031-0105) referred to by the Examiner fails to disclose, for example, “displaying an interface screen to allow an applicant from a first company to enter a non-disclosure agreement number corresponding to a non-disclosure agreement [emphasis added]”.

Nor does Eisenhart disclose “determining whether the non-disclosure agreement number matches a non-disclosure agreement number in authorization data as part of a request for access from an applicant [emphasis added]”.

Eisenhart also fails to disclose “sending a denial email to the applicant [emphasis added]”.

Nor does Eisenhart disclose “displaying an interface screen to allow the applicant to select one of a plurality of programs, each of which is associated with a corresponding list of company names authorized to exchange information with the applicant [emphasis added]”.

Regarding independent claim 9, Eisenhart fails to disclose, for example, a controller to allow participants in a program to exchange information regarding a program when the participants agree to terms in an authorized disclosure letter and when the participants are authorized according to authorization data; wherein the authorization data comprises data regarding employees associated with the participants; and wherein the authorization data comprises data regarding non-disclosure agreements executed by the participants. Applicants were unable to find any mention of “employees” in Eisenhart. The passage in Eisenhart (Abstract; col. 2-9, paragraphs 0031-0105) referred to by the Examiner does not refer to employees. Nothing in Eisenhart refers to employees.

Regarding independent claim 15, Eisenhart fails to disclose, for example, displaying an interface screen that allows a user to enter a non-disclosure agreement number; when the non-

disclosure agreement number is valid, displaying terms of an authorized disclosure letter; and when the user agrees to the terms, providing the user with access to information belonging to a participant in a program.

Regarding independent claim 23, Eisenhart fails to disclose, for example, a memory to store an authorized disclosure letter, authorization data, and a controller having a plurality of instructions; and a processor, wherein the processor is to execute selected ones of the instructions to *inter alia*: display an interface screen on the display to allow an applicant from a first company to enter into the input device a non-disclosure agreement number corresponding to a non-disclosure agreement; determine whether the non-disclosure agreement number matches a non-disclosure agreement number in authorization data as part of a request for access from an applicant; and display an interface screen on the display comprising terms of an authorized disclosure letter and further displaying a choice of accepting the terms or not. The passage in Eisenhart (Abstract; col. 2-9, paragraphs 0031-0105) referred to by the Examiner includes a description of a contract manager (paragraph 90), which appears to be limited to providing templates for legal documents, but it does not display either the “terms of an authorized disclosure letter” or “a choice of accepting the terms or not”, as recited in Applicants’ claim.

For the above reasons, independent claims 1, 9, 15, and 23 should be found to be allowable over Eisenhart, and Applicants respectfully request that the rejection of claims 1, 9, 15, and 23 under 35 U.S.C. § 102(e) as anticipated by Eisenhart be withdrawn.

For similar reasons, all of the claims dependent upon claims 1, 9, 15, and 23 should also be found to be allowable over Eisenhart.

**The Examiner Has Failed to Fully and Clearly
Identify the Allegedly Disclosed Limitations in the Reference**

The Examiner is required to fully and clearly state the grounds of rejection¹.

The Examiner’s citation of allegedly relevant disclosure within Eisenhart is too general for Applicants to understand the Examiner’s grounds for the rejection of the claims. The Examiner merely referred to paragraphs 0031-0105 of Eisenhart, i.e. 75 paragraphs.

¹ MPEP 707.07(d).

In their most recent response, Applicants respectfully requested that the Examiner point out specifically where each of the limitations of Applicants' claims may be found in Eisenhart².

The Examiner responded only by stating that "it is inherently clear that Applicants' claimed limitations were addressed within the teachings of Eisenhart"³ without further elaboration or citations to specific columns or paragraphs.

Accordingly, the Examiner has failed to fully and clearly identify the allegedly relevant limitations of Applicants' claims within the 75 paragraphs of Eisenhart cited by the Examiner.

Reservation of Rights

To simplify the issues in this Pre-Appeal Brief Request for Review, Applicants have omitted additional arguments regarding the Office's rejection of the independent claims, and Applicants have omitted arguments regarding the Office's rejection of the dependent claims, but Applicants reserve the right to present such arguments in Applicants' Appeal Brief should it become necessary to do so.

Conclusion

Reconsideration and withdrawal of the rejection of claims 1-10 and 13-23 under §102(e) as a result of this Pre-Appeal Brief Request for Review are respectfully requested. Since no *prima facie* case of anticipation has been established with respect to the rejected claims, Applicants respectfully submit that all claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney, Ann M. McCrackin (located in Minneapolis, Minnesota) at (612) 349-9592 or Applicants' below-signed attorney (located in Phoenix, Arizona) to facilitate prosecution of this application.

² March 2, 2007 "Amendment & Response Under 37 CFR 1.111", page 9, paragraph 5.

³ Final Office Action, page 8, paragraph 5.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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